

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 12/4/09

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WEN LIU, :

Plaintiff, :

-against- :

MOUNT SINAI SCHOOL OF MEDICINE :  
AND AGENTS, :

Defendants. :

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09 Civ. 9663 (RJS) (AJP)

**ORDER TO SHOW CAUSE**

**ANDREW J. PECK, United States Magistrate Judge:**

Plaintiff Wen Liu submitted his complaint to the Court on October 22, 2009. The EEOC right to sue letter, dated July 7, 2009 and received by Mr. Liu on July 12, 2009 (Compl. ¶ III.B), clearly told plaintiff that he was required to file a federal lawsuit within 90 days of receipt of the right to sue letter. The 90 day period is akin to a statute of limitations. While Mr. Liu states in an appendix to his complaint that he filed late because of language problems and delays in trying to find a lawyer, those grounds are not sufficient to toll (i.e., extend) the filing period (especially since Mr. Liu has two masters degrees from Columbia University and Teachers College).

Mr. Liu is to show cause in writing, by December 28, 2009, why the Court should not dismiss his federal claims; he can then bring his state law based claims (under the New York State and New York City Human Rights Laws) in state court.

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If Mr. Liu consents, the Court will dismiss the case without prejudice to allow him to file in state court. (If Mr. Liu fails to respond to this Order, the Court will dismiss his case, subject to his rights to appeal.)

The parties are to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which is attached.

SO ORDERED.

Dated: New York, New York  
December 4, 2009

  

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**Andrew J. Peck**  
United States Magistrate Judge

Copies to: Wen Liu (Regular & Certified Mail)  
Judge Richard J. Sullivan